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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/696,129	10/29/2003	Mariana Benitez Pelaez	LUTZ 2 00249	7233
7590	02/09/2006			EXAMINER RAMPURIA, SHARAD K
Richard J. Minnich, Esq. Fay, Sharpe, Fagan, Minnich & McKee, LLP Seventh Floor 1100 Superior Avenue Cleveland, OH 44114			ART UNIT 2688	PAPER NUMBER
DATE MAILED: 02/09/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/696,129	PELAEZ ET AL.	
Examiner	Art Unit		
Sharad Rampuria	2688		

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### **Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 29 October 2003.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 1-20 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5)  Claim(s) \_\_\_\_\_ is/are allowed.  
6)  Claim(s) 1-20 is/are rejected.  
7)  Claim(s) \_\_\_\_\_ is/are objected to.  
8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on 29 October 2003 is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_ .

5)  Notice of Informal Patent Application (PTO-152)

6)  Other: \_\_\_\_\_

## **DETAILED ACTION**

I. The current office-action is in response to the application filed on 10/29/03.

Accordingly, Claims 1-20 are pending for further examination as follows:

### ***Oath/Declaration***

II. The office acknowledges receipt of a properly signed oath/declaration filed on 10/29/03.

### ***Drawings***

III. The receipt of drawings filed on 10/29/03 is accepted by examiner.

### ***Claim Rejections - 35 USC § 102***

IV. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

V. Claims 1-20 are rejected under 35 U.S.C. 102 (e) as being anticipated by Peters et al. [US 6590969].

As per claim 1, Peters teaches:

A method of forwarding calls (Abstract) for a subscriber having a primary communication device (2; Fig.1, Col.3; 21-26, Col.1; 53-Col.2; 3) and a plurality of alternate communication devices (6; Fig.1, Col.3; 32-40) in a multimedia (Col.2; 40-45) telecommunication network, the method comprising:

Storing a call forwarding profile for the subscriber's primary communication device at a network server, the call forwarding profile specifying at least one of the alternate communication devices to which specific types of calls, based on the incoming media, are to be forwarded; (Col.4; 13-48)

Receiving a call for the subscriber's primary communication device from a caller; (i.e. CALL\_RX; FIG.2, Col.4; 51-Col.5; 13)

Determining the type of the call that has been received; (i.e. TYPE\_DET; FIG.2, Col.4; 51-Col.5; 13)

Matching the type of call received to the call forwarding profile; (Col.5; 14-50) and  
Routing the call to the proper alternate user device according to the call forwarding profile. (Col.5; 14-50 and Claim 1)

As per claim 2, Peters teaches:

The method defined in claim 1, wherein the call comprises an instant message, a short message service, a multimedia message service, a voice call, or a data call. (Col.2; 4-25 and 40-60)

As per claim 3, Peters teaches:

The method defined in claim 1, wherein the multimedia telecommunication network includes an IP multimedia subsystem. (Col.2; 40-60)

As per claim 4, Peters teaches:

The method defined in claim 3, wherein the network server comprises a home subscriber server in the IP multimedia subsystem. (Col.2; 40-60)

As per claim 5, Peters teaches:

The method defined in claim 3, wherein the network server comprises an application server in the IP multimedia subsystem. (Col.2; 40-60)

As per claim 6, Peters teaches:

The method defined in claim 1, wherein the primary communication device comprises a mobile phone, a personal digital assistant, a notebook computer, or a desktop computer with multimedia communication capabilities. (Col.3; 20-26)

As per claim 7, Peters teaches:

The method defined in claim 1, wherein the call forwarding profile is programmed by the subscriber via an automated service, by entering a feature activation code, through the Internet (World Wide Web), or by calling a call center. (Col.2; 40-60)

VI. *Claims 8-14* is the system claims corresponding to method claims 1-7 respectively, and

rejected under the same rational set forth in connection with the rejection of claims **1-7** respectively, above.

As per claim 15, Peters teaches:

In a multimedia telecommunication system (Abstract, Col.2; 40-45), apparatus for forwarding calls for a subscriber having a primary communication device (2; Fig.1, Col.3; 21-26, Col.1; 53-Col.2; 3) and a plurality of alternate communication devices (6; Fig.1, Col.3; 32-40), comprising:

A centralized database (i.e. BB\_T; FIG.2, Col.5; 14-50) adapted to store a call forwarding profile for the subscriber's primary communication device, the call forwarding profile specifying at least one of the alternate communication devices to which specific types of calls are to be forwarded; (i.e. TYPE\_DET; FIG.2, Col.4; 51-Col.5; 13) and

A call session control function adapted to receive a call for the subscriber's primary communication device from a caller, determine the type of the call that has been received, (i.e. CALL\_RX; FIG.2, Col.4; 51-Col.5; 13) and route the call to the proper alternate communication device according to the call forwarding profile. (Col.5; 14-50 and Claim 1)

VII. **Claims 16-20** are the apparatus claims corresponding to method claims **2-6** respectively, and rejected under the same rational set forth in connection with the rejection of claims **2-6** respectively, above.

***Conclusion***

VIII. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharad Rampuria whose telephone number is (571) 272-7870. The examiner can normally be reached on M-F. (8:30-5).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on (571) 272-7495. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or [EBC@uspto.gov](mailto:EBC@uspto.gov).

Sharad Rampuria  
Examiner  
Art Unit 2688

  
GEORGE ENG  
SUPERVISORY PATENT EXAMINER